To: All HOME & CDBG Recipients **Notice:** FSP-00-01
From: IHFA Community Development Department
Date: February 29, 2000
Re: New Lead-Based Paint Regulations

Effective September 15, 2000, for all HOME and CDBG related activities and programs, IHFA will implement new lead-based paint regulation required by HUD. All programs involving rehabilitation, acquisition, and/or homeownership counseling/down payment assistance will be required to implement new lead requirements.

In general, these regulations will require the testing and repair of all households rehabilitated or acquired under Federal Programs. The programs most affected by the new regulations will be housing rehabilitation of greater than $5,000 in homes built before 1978, but all programs will be affected.

Attached (Attachment 3-A) is a summary of lead-based paint requirements by activity. The chart outlines the different requirements according to activity and funding amount. The additional attachments (Appendix B and Indiana Licensed Lead-Based Paint Personnel) are a list of key terms that are used on the summary sheet and in the regulation and a list of the persons and contractors certified to perform the required regulations.

In order for IHFA and its Grantees to comply with the new regulations, Grantees will be required to implement procedures to ensure that all housing rehabilitated or acquired undergoes risk assessments, paint testing, interim controls, paint stabilization, abatements and clearance testing, when required.

To aid Grantees with the implementation of the new lead rules, IHFA is in the process of planning regional training for risk assessors and abatement supervisors. IHFA will notify Grantees of training schedules, procedural changes and planning updates as they occur. Grantees, subrecipients and grant administrators are strongly encouraged to have staff trained and certified by the September 15, 2000 implementation date. Because of the nature of the new lead regulations, having a certified risk assessor and certified abatement supervisor on staff will aid in the timely completion of projects and save on the cost associated with procuring certified individuals or companies to perform the required procedures. **Please fill out the enclosed survey regarding future training and fax to IHFA at 317-232-7778**. Future funding from IHFA will also be affected by a Grantees capacity to implement the new lead rules.

In addition, any contractor working on a lead-based paint surface will be required to be have completed an accredited lead-based paint worker course and/or abatement worker course. Since there are no certified contractors in the State, IHFA is encouraging the completion of the abatement supervisor course. The abatement supervisor certification will allow grantees to supervise the work of its regular contractors instead of trying to procure contractors that have been certified as lead-based paint or abatement workers

The new regulations appear at 24 CFR Part 35, which was published in the Federal Register on September 15, 1999.

If you have any questions regarding this correspondence, please contact Mark Young at (317) 232-7777 or toll-free at (800) 872-0371.

APPENDIX B

LIST OF KEY TERMS USED IN THE REGULATION

Abatement

- Abatement is a measure or a set of measures designed to eliminate leadbased paint hazards or lead-based paint permanently. (Permanent is defined as at least 20 years effective life.)

- Abatement strategies include the removal of lead-based paint, enclosure, encapsulation, replacement of building components coated with lead-based paint, removal of lead-contaminated dust, and removal of lead-contaminated soil or overlaying of soil with a durable covering such as asphalt.

- There are four basic methods of abatement for building components with lead-based paint.

  - **Component Replacement** - is the removal of building components that contain lead-based paint. It is most appropriate for removable items such as doors. windows. trim. and cabinets.

  - **Paint Removal** - is the separation of paint from the substrate using safe heat, chemical, or abrasive methods. It may be done on- or offsite. Because it can create a great deal of dust, it is the most hazardous, and thus least preferable, of the approved methods and requires the greatest care and most careful cleanup. It is most appropriate for small surfaces.

  - **Enclosure** - is the installation of a barrier (such as paneling) that is mechanically attached to the building component, with all edges and seams sealed to prevent escape of lead-based paint dust. It is most appropriate for large surfaces such as walls, ceilings, floors, and exteriors.

  - **Encapsulation** - involves a liquid or adhesive material that covers the component and forms a barrier that makes the lead-based paint surface inaccessible by relying upon adhesion. It is most appropriate for most kinds of smooth surfaces but it cannot be used effectively on friction surfaces, surfaces in poor condition, or surfaces that may become wet. It also must

- There are *three* basic methods for abating lead-contaminated soil.

  - **Soil Removal** - is the removal of at least the top six inches of topsoil and is adequate for most projects. In areas with heavy contamination, up to two feet may have to be removed, and must be disposed of using proper waste management techniques that comply with local requirements. The maximum lead concentration in replacement soil shall not exceed 200 μg/g. Sodding or seeding of the new soil should occur. Waste disposal, site control, and weather delays can affect costs.

- **Soil Cultivation** - is the mixing of low lead soil with high lead soil, and is an appropriate method if the average lead concentration of the soil to be abated is below 1,500 μg/g. Thorough mixing is required, and pilot testing of various techniques may be needed to ensure that thorough mixing does occur. (Rototilling is often not an acceptable method of soil cultivation.) Site control and weather delays can affect cost.
- **Paving** - is covering contaminated soil with high quality concrete or asphalt. Paving is common in high traffc areas, but it not appropriate in play areas. The need for uncontaminated replacement soil is eliminated as are waste disposal costs. Paving often turns out to be the most economical recourse, despite its aesthetic disadvantages.

- All abatement strategies require worksite preparation, cleanup, waste disposal, post-abatement clearance testing, recordkeeping, and, if applicable, monitoring.

Clearance

- Clearance involves a visual assessment and dust testing to determine if:
  - The area is safe for unprotected workers to enter.
  - The area is a safe place for young children to live.
- The visual assessment serves to check that work was completed and properly done.
- The dust testing serves to identify lead-contaminated dust. If clearance results show lead-contaminated dust above the clearance standard is present, the unit has not been adequately cleaned and places children at risk.
- If a unit fails clearance, it must be recleaned. It must pass clearance before it can be reoccupied.

Disclosure

- Disclosure requires most property owners of pre-1978 housing (both subsidized and market rate) to disclose the presence of lead-based paint and provide prospective buyers/tenants with all documentation on known lead-based paint and lead-based paint hazards in the dwelling unit
- Grantees/subrecipients must provide purchasers and lessees with information regarding any existence of lead-based paint and lead-based paint hazards prior to selling or leasing a residence.
- Sellers must allow purchasers 10 days to inspect the dwelling for lead-based paint or lead-based paint hazards.
- Violations of these disclosure requirements should be reported to the Federal Lead Clearinghouse at 800-424-LEAD (800-424-5323).

Interim Controls

- Interim controls are a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards. Interim controls include repairs, maintenance, painting, temporary containment, specialized cleaning, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

- Unlike abatement (defined below), interim controls require periodic monitoring and reevaluation to ensure that they remain effective in preventing the creation of lead hazards.

- Even though interim controls are only a temporary solution to lead-based paint hazards, they will significantly reduce the risk of lead poisoning among housing residents.

- Interim controls can be performed as part of regular maintenance activities with limited additional effort or cost.

- Interim control methods include:

  - **Paint Stabilization** - Deteriorated paint can be controlled by removing the paint, repainting the surface, or repairing loose or deteriorated substrate materials.

  - **Friction and Impact Surface Treatments** - Friction and impact surfaces that create lead dust, such as windows, doors, stair treads and floors, can be treated by rehanging doors and placing rubber stoppers along impact surfaces, and cushioning window tracks with plastic liners to reduce friction.

  - **Dust Controls** - Lead-contaminated dust can be temporarily controlled by cleaning surfaces to reduce leaded dust levels.

  - **Soil Treatments** - Lead-contaminated soil can be controlled by limiting resident access to it. Two methods include:

    - Covering contaminated surfaces with grass, mulch or other appropriate material; and

    - Land use controls such as fencing or signs.

- **An Example of Interim Controls.** Suppose a window is painted with leadbased paint. While the entire window is often replaced during abatement, an effective interim control would be to install plastic sash track liners. This prevents the generation of leaded dust until the window can be removed and replaced. This method is both relatively easy and inexpensive to implement.

- Individuals performing interim controls must be trained or certified. The new regulation gives several options for meeting the training/certification requirement.

- All interim control strategies require worksite preparation, cleanup, waste disposal, clearance testing, recordkeeping, and monitoring.

Paint Inspection

- A paint inspection is a surface-by surface investigation to determine the presence of lead-based paint on all types of painted surfaces in a dwelling unit. It includes a report that explains the results of the investigation and lists surfaces that are covered with lead-based paint.

- Paint inspections are not required for any of the activities discussed in this course. They should not be confused with "paint testing" which is a more limited evaluation of specific painted surfaces.

Paint Stabilization

- Paint stabilization is a way to control the hazard presented by deteriorated paint.

- It involves removing deteriorated paint using wet methods to reduce dust, repairing loose or deteriorated substrate materials, and applying new paint. The cause of deteriorated paint must also be corrected.

- Paint stabilization helps to reduce the production of lead-contaminated dust and the accessibility of lead-contaminated paint chips. However, it is a temporary measure that requires ongoing monitoring to be successful.

Paint Testing

- Paint testing is conducted to identify the lead content of a painted surface.

- It is conducted using an X-ray fluorescence (XRF) analyzer, or through analysis of paint samples by a lead-accredited lab or a comparable testing technique.

- Testing must be performed by a trained and certified professional.

- The results of the paint testing must be documented in writing.

- The paint testing discussed in this course should not be confused with a "lead-based paint inspection." A lead-based paint inspection is a thorough evaluation of all painted surfaces in a dwelling.

Risk Assessment

- A risk assessment is a thorough examination of a dwelling unit or a property to identify lead-based paint hazards that are present.

- It involves testing of dust, soil, and deteriorated paint and includes a visual inspection for deteriorated paint and other hazardous conditions. A risk assessment also includes an investigation of the age and history of the housing and occupancy by children under age six.

- A report is written that explains the results and identifies acceptable abatement and interim control strategies based on specific conditions and the owner's capabilities for controlling identified lead-based paint hazards.

- It is performed by a certified risk assessor.

Standard Treatments

- Standard treatments are a set of treatments - abatement or interim controls - that are performed routinely in housing units to address conditions that are likely to create lead-based paint hazards. Standard treatments do not require any upfront evaluation to identify existing lead-based paint hazards.

- When performing standard treatments the following steps are taken:

- Safely Repair Deteriorated Paint. This is described above under "paint stabilization".

  - **Provide Smooth and Cleanable Horizontal Surfaces**. For example, recoat hardwood floors with polyurethane, replace or recover worn-out linoleum floors, and cover interior window sills with metal or vinyl. Rough, pitted, and porous surfaces trap lead dust and make it difficult to clean these surfaces thoroughly. Smooth horizontal surfaces to make it possible for occupants' regular housekeeping to reduce exposure to lead dust.

  - **Correct Conditions in Which Painted Surfaces are Rubbing, Binding, or Otherwise Produce Dust**. For example, rehang binding doors, install door stops to prevent doors from damaging painted surfaces, and repair and replace loose windows. By correcting, conditions that cause rubbing, binding, or other damage to painted surfaces, the integrity of the paint is protected and the generation oflead dust is reduced.

  - **Cover or Restrict Access to Bare Residential Soil**. For example, cover ban: soil with gravel, mulch, or sod; or physically restrict access to bare soil.

  - **Specialized Cleaning**. Conduct specialized cleaning of work areas using HEPA vacuums and lead-specific detergents upon completion of treatments above.

  - **Clearance**. After work is completed, clearance examination must be performed in accordance with HUD clearance requirements.

Visual Assessment

- A visual assessment serves to identify deteriorated paint. Because it does not involve any testing to determine the presence of lead, it is not considered a "lead hazard evaluation" method under the regulation. However, it is used in many situations as a simple method to determine whether a unit is suitable for program funding and to identify necessary repairs.

- A visual assessment is a look at interior and exterior painted surfaces for signs of paint deterioration and potential hazards. Housing Quality Standards (HQS) inspectors, other inspectors trained to identify potential hazards, or certified risk assessors can perform this assessment.

- The assessment is similar to the visual paint inspection performed as part of the HQS inspection with a few additional elements.

- The assessment identifies:
  - Deteriorated Paint. Deteriorated paint creates chips and dust.
  - Structural Problems. Leaks, rotting walls, and other structural defects may cause painted surfaces to deteriorate and create chips and dust.
  - Evidence of Chewing on Painted Surfaces. Children may chew on otherwise intact surfaces and ingest lead-based paint.
- Individuals performing visual assessment must be trained to identify deteriorated paint.
- The inspector should pay particular attention to surfaces that are known to have lead-based paint.
- If any potential lead-based paint hazards are identified, they should be noted on the unit inspection or visual assessment report forms.
- Without paint testing or dust testing, a visual assessment can only identify conditions that may pose lead-based paint hazards because the lead content of the paint is still unknown. Generally, if surfaces have not been tested for lead-based paint, grantees should assume areas contain leadbased paint and have them safely repaired.

ATTACHMENT 3-A

SUMMARY OF LEAD-BASED PAINT REQUIREMENTS BY ACTIVITY

	Rehabilitation (Subpart J) Chapter 4			**TBRA (Subpart M) Chapter 5**	**A,L,SS,O (Subpart K) Chapters 6 & 7**
	<$5,000	**$5,000 - $25,000**	**>$25,000**		**Homebuyer and Special Needs***
Approach to Lead Hazard Evaluation and Reduction	1. Do no harm	3. Identify and control lead hazards	4. Identify and abate lead hazards	2. Identify and stabilize deteriorated paint	2. Identify and stabilize deteriorated paint
Notification Lead Hazard Evaluation	All 4 types Paint Testing	All 4 types Paint Testing and Risk Assessment	All 4 types Paint Testing and Risk Assessment	All 4 types Visual Assessment	All 4 types Visual Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim Controls on exterior surfaces not disturbed by rehabilitation)	Paint Stabilization	Paint Stabilization
	Safe work practices Clearance of work site	Safe work practices Clearance of unit	Safe work practices Clearance of unit	Safe work practices Clearance of unit	Safe work practices Clearance of unit
Ongoing Maintenance	No	No	No	Yes	Yes (if ongoing relationship)
EIBLL Requirements	No	No	No	Yes	No
Options	Presume lead-based paint Use safe work practices on all surfaces surfaces	Presume lead-based paint and/or hazards Use standard treatments	Presume lead-based paint and/or hazards Abate all applicable	Test deteriorated paint. Use safe work practices only on lead-based paint surfaces.	Test deteriorated paint. Use safe work practices only on lead-based paint surfaces.
* Special Needs Housing may be subject to the requirements of Subpart J, M, or K depending on the nature of the activity undertaken. However, since most special needs housing involves acquisition, leasing, support services, and operations, for the purposes of this table, it has been placed in this column. Chapter 7 explains how other requirements may also apply.					

LEAD-BASED PAINT TRAINING SURVEY

Via Fax

To: Mark Young, Compliance Specialist

From: _____

Organization: _____

Training Location Preference
(please circle one)

South Bend

Fort Wayne

Indianapolis

Jeffersonville

Type of Lead Certification

Risk Assessor Class #persons_____

Abatement Supervisor Class #persons_____

PLEASE RETURN TO IHFA BY MARCH 10, 2000